

State of California
AIR RESOURCES BOARD

ASSEMBLY BILL 617 COMMUNITY AIR PROTECTION PROGRAM –
PROGRAM REQUIREMENTS

Resolution 18-33

September 27, 2018

Agenda Item No.: 18-7-3

WHEREAS, California's air quality programs have led to significant public health improvements; however, certain communities continue to experience environmental and health inequities from air pollution;

WHEREAS, many of these communities are affected by multiple stationary, area, and mobile sources of air pollution and suffer disproportionate health impacts;

WHEREAS, the high cumulative exposure burdens in these communities are a public health concern, contributing to health conditions, such as cardiorespiratory disease, increased cancer risk, and an increased risk of premature death;

WHEREAS, expedited emission reductions of toxic air contaminants and criteria air pollutants in communities with high cumulative exposure burdens are critical to reduce these disproportionate health impacts;

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (Stats. 1988, ch. 1568) declaring that it is necessary that the State ambient air quality standards be attained by the earliest practicable date to protect public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, section 39650, et seq., of the Health and Safety Code establishes the policy of the State to control emissions of toxic air contaminants, based on the best available scientific information, and directs the Board to establish airborne toxic control measures (ATCM);

WHEREAS, Assembly Bill (AB) 617 (C. Garcia, Stats. 2017, ch. 136) added sections 39607.1, 40920.8, 42411, 42705.5, 44391.2 and amended sections 40920.6, 42400, 42402 in the Health and Safety Code, requiring a new community-focused program to address criteria air pollutants and toxic air contaminants;

WHEREAS, AB 617 is a significant step in transforming California's air quality programs to address air pollution disparities at the neighborhood level and includes the following requirements:

- Establishment of a uniform statewide reporting system of annual emissions of criteria air pollutants and toxic air contaminants from stationary sources;
- Development of expedited schedules for implementation of best available retrofit control technology for certain industrial sources no later than December 31, 2023;
- Establishment and maintenance of a statewide clearinghouse that identifies the best available control technology and best available retrofit control technology for criteria air pollutants, and related technologies for the control of toxic air contaminants;
- Development of a monitoring plan by October 1, 2018;
- Development of a statewide strategy for reducing emissions of criteria air pollutants and toxic air contaminants by October 1, 2018, with an update at least every five years;
- Selection of initial communities for community air monitoring systems and community emissions reduction programs on an annual basis by October 1, 2018, with annual review and consideration of additional communities as appropriate;
- Implementation of community-level air monitoring in communities selected in the first year by July 1, 2019;
- Adoption of community emissions reduction programs in communities selected in the first year by October 1, 2019;
- Grants to community-based organizations for technical assistance and to support community participation in Program implementation; and
- Increased penalties for violations of emissions control limits;

Monitoring Plan and Statewide Strategy

WHEREAS, the California Air Resources Board (CARB or Board) established the Community Air Protection Program (Program) to implement AB 617 and released several draft documents to provide staff's concepts and to seek advice and feedback

from community members, air districts, affected industry, and other stakeholders, and guide CARB efforts going forward;

WHEREAS, CARB released the proposed *“Final Draft Community Air Protection Blueprint: For Selecting Communities, Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies, and Conducting Community Air Monitoring”* (Blueprint), included as Attachment A, to the public on August 24, 2018;

WHEREAS, CARB released an online Resource Center to serve as a centralized repository of strategies for use by community members, air districts, affected industry, and other stakeholders, designed to complement requirements for community air monitoring and community emissions reduction programs and support effective implementation of the Program, which contains the following:

- Community identification and assessment toolbox;
- Community air monitoring toolbox containing assessments of air monitoring technologies, assessments of current community air monitoring systems, and other air monitoring plan resources;
- Emissions inventory toolbox;
- Emissions reduction strategies;
- Outreach and training resources; and
- Statewide technology clearinghouse;

WHEREAS, Program modifications in between statutorily required updates may be needed to keep the Program advancing quickly and efficiently;

Public Outreach Efforts

WHEREAS, CARB has participated in over 200 meetings and community events, has consulted with community members, the Scientific Review Panel on Toxic Air Contaminants, the air districts, the Office of Environmental Health Hazard Assessment, environmental justice organizations, affected industries, and other interested stakeholders, during the development of the monitoring plan and the statewide strategy, as required by AB 617;

WHEREAS, CARB staff held four initial informational meetings in Oakland on October 17, 2017, Sacramento on October 18, 2017 (also webcasted), Los Angeles on October 23, 2017, and Fresno on November 9, 2017;

WHEREAS, CARB staff held three technical summits on initial concepts for implementation of the Program; in Oakland on February 22, 2018, Bakersfield on February 27, 2018, and Riverside on February 28, 2018;

WHEREAS, CARB staff held three public workshops regarding proposed Program implementation requirements contained in an initial draft of the Blueprint in Fresno on

June 9, 2018 (also webcasted to Modesto and Bakersfield), Wilmington on June 26, 2018, and Richmond on July 9, 2018;

Board Findings

WHEREAS, in consideration of the Blueprint, written and oral testimony presented by community members, the air districts, industry, and other stakeholders, the Board finds that:

The Blueprint was developed through a collaborative public process through which CARB staff engaged with the Scientific Review Panel on Toxic Air Contaminants, the Office of Environmental Health Hazard Assessment, environmental justice organizations, affected industry, the air districts, and other interested stakeholders, including through public workshops in the north, central, and southern California, consistent with the requirements of AB 617;

The Blueprint identifies a broad suite of new statewide actions CARB and the air districts will undertake to implement a strategy to further reduce cumulative exposure burdens in heavily burdened communities throughout the State, as required by AB 617;

The Blueprint provides a review of air monitoring technologies and air monitoring systems and outlines criteria and guidance for community air monitoring such that air districts and communities can identify and implement technologies that will support air quality data collection, reduce emissions and exposures in communities, and measure air quality improvements over time, as required by AB 617;

The Blueprint describes criteria for the development community emissions reduction programs by air districts, in conformance with the requirements of AB 617;

The online Resource Center makes publicly available the current reviews of air monitoring technologies and existing community monitoring systems, so that air districts and communities throughout the state can engage in actions based on data to meet their communities' needs, and makes publicly available the statewide technology clearinghouse to help identify the cleanest pollution control technologies and air monitoring assessments, in conformance with AB 617;

The requirements and principles provided by AB 617, the California Environmental Quality Act, and related governing law, the Blueprint itself, and continued public and stakeholder collaboration will guide implementation of the Blueprint;

Ongoing assessment of the Blueprint's implementation is necessary to identify and incorporate updates to improve the statewide strategy to reduce emissions

of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden;

Implementation of AB 617 through the Blueprint and other related policies will complement and improve upon traditional air quality programs that have focused on improving regional air quality by targeting the State's most burdened communities for further criteria and air toxic emissions reductions at the community level with the goal of reducing exposures and improving public health;

WHEREAS, the State budget for 2018 includes \$295 million in funding directed to the air districts for financial incentives to reduce emissions from mobile and stationary sources, and Program Implementation;

WHEREAS, the State budget also included funding to support community engagement and capacity building;

WHEREAS, expeditious implementation of funding is necessary to achieve near-term reductions in emissions and exposure in heavily burdened communities and support Program implementation;

WHEREAS, the Board finds that, funding provided in the State budget will help air districts achieve reductions in heavily burdened communities throughout the State;

Environmental Analysis

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program, California Code of Regulations, title 17, sections 60000-60007;

WHEREAS, CARB prepared a draft environmental analysis under its certified regulatory program for the proposed "*Draft Community Air Protection Blueprint: For Selecting Communities, Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies, and Conducting Community Air Monitoring*" entitled "*Draft Environmental Analysis Prepared for the proposed Draft Community Air Protection Blueprint*" (Draft EA), and circulated it as Appendix G to the "*Draft Community Air Protection Blueprint*" for 45 days from June 7, 2018, through July 23, 2018;

WHEREAS, the Draft EA concluded implementation of the "*Draft Community Air Protection Blueprint: For Selecting Communities, Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies, and Conducting Community Air Monitoring*" has the potential to result in: beneficial impacts to air quality, energy demand, and greenhouse gas emissions; less than significant impacts, or no impacts, to air quality (odors), energy demand, hazards and hazardous materials, minerals, population and housing, public services, and recreation; and potentially significant

impacts to aesthetics, agriculture, air quality (short-term construction-related), biological, cultural, geology, soils and minerals, hazards and hazardous materials, hydrology and water quality, land use and planning, minerals, noise, transportation and traffic, and utilities and service systems. The potentially significant and unavoidable impacts are primarily due to construction activities;

WHEREAS, staff reviewed written comments received on the Draft EA and prepared written responses to those comments in a document entitled *Reponses to Comment on the Draft Environmental Analysis Prepared for the Community Air Protection Blueprint (Response to Comments)*,” and is listed as Attachment B;

WHEREAS, on September 14, 2018, staff posted on the CARB webpage *Appendix G – Final Environmental Analysis Prepared for the Final Draft Community Air Protection Blueprint (Final Environmental Analysis)*,” listed in Attachment C, which includes minor revisions, and the *Response to Comments*;

WHEREAS, staff reviewed additional written comments received on the *Environmental Analysis* and prepared written responses to those comments in a document entitled *Supplemental Responses to Comments on the Environmental Analysis Prepared for the Community Air Protection Blueprint (Supplemental Responses to Environmental Comments)*;

WHEREAS, on September 27, 2018 CARB staff released the *Supplemental Responses to Environmental Comments*; and

WHEREAS, prior to the duly noticed public hearing held on September 27, 2018, staff presented the *Response to Comments*, *Supplemental Responses to Environmental Comments* and the *Final Environmental Analysis* to the Board for consideration.

NOW, THEREFORE, BE IT RESOLVED that the Board certifies that the *Final Environmental Analysis*, as set forth in Attachment C to this resolution, was completed in compliance with CARB’s certified regulatory program to meet the requirements of CEQA, reflects the agency’s independent judgement and analysis, and was presented to the Board whose members reviewed and considered the information therein before taking action to approve the final update.

BE IT FURTHER RESOLVED that the Board approves the *Response to Comments* set forth in Attachment B to this resolution and the *Supplemental Responses to Environmental Comments* set forth as Attachment E to this resolution.

BE IT FURTHER RESOLVED that in consideration of the *Final Environmental Analysis*, *Response to Comments*, *Supplemental Responses to Environmental Comments*, and the entirety of the record, the Board adopts the *Findings and Statement of Overriding Considerations* set forth in Attachment D to this resolution.

BE IT FURTHER RESOLVED that the Board hereby determines that the Blueprint and online Resource Center meet statutory requirements for CARB to develop a monitoring plan and statewide strategy.

BE IT FURTHER RESOLVED that the Board hereby approves the Blueprint set forth in Attachment A and directs staff to update and revise the online Resource Center as new documents, materials, and data become available.

BE IT FURTHER RESOLVED that the Board directs CARB staff to work on implementation of the new CARB statewide strategies in the Blueprint to help reduce emissions in highly burdened communities statewide.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to work expeditiously, in coordination with the California Air Pollution Control Officers Association and other stakeholders to allocate to the air districts funds from the 2018 State budget consistent with the purposes of AB 617 and the State budget and that are spent in accordance with existing and new guidelines developed in a public process.

BE IT FURTHER RESOLVED that the Board directs CARB staff to continue outreach activities and consult with community members, environmental justice organizations, air districts, affected industry, and other stakeholders to implement the Program and provide periodic updates to the Board.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to work expeditiously to distribute grant funds to communities to support their engagement in the Community Air Protection Program.

BE IT FURTHER RESOLVED that the Board affirms the existing authority of CARB staff to interpret or clarify the requirements in the Blueprint and delegates to the Executive Officer, or his or her designee, the authority to adopt changes to the Blueprint, in a manner compliant with CEQA, that he or she deems necessary to enable effective implementation of the Program, provided that such changes are consistent with statute and the goals established by the Board. Staff shall identify those changes when the Board considers the next comprehensive update to the Program.

I hereby certify that the above is a true and correct copy of Resolution 18-33 as adopted by the Air Resources Board.

Cristina Granados, Clerk of the Board

Resolution 18-33

September 27, 2018

Identification of Attachments to the Board Resolution

Attachment A*: *“Final Draft Community Air Protection Blueprint: For Selecting Communities, Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies, and Conducting Community Air Monitoring”* released on August 24, 2018.

Attachment B*: *“Reponses to Comment on the Draft Environmental Analysis Prepared for the Community Air Protection Blueprint”* released on September 14, 2018.

Attachment C*: *“Appendix G – Final Environmental Analysis Prepared for the Final Draft Community Air Protection Blueprint”* released on September 14, 2018.

Attachment D: *Findings and Statement of Overriding Considerations*

Attachment E*: *Supplemental Reponses to Comment on the Environmental Analysis Prepared for the Community Air Protection Blueprint*

*Attachments A, B, C, and E are NOT attached to the proposed resolution; they are simply described on this page.